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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/533,709

05/03/2005

Said Mansouri

MANSOURI, S. - 1 PCT

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EXAMINER

MEHTA, BHISMA

ART UNIT

PAPER NUMBER

3767

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/533,709

Applicant(s)

MANSOURI, SAID

Examiner

Bhisma Mehta

Art Unit

3767

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 8-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 03/19/2007.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

2. The drawings were received on March 19 2007. These drawings are acceptable except for the objection given below.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the limit stop for limiting the exit of the indexer piston must be shown or the feature(s) canceled from the claim(s). The limit stop is not clearly shown or labeled in either of the figures filed March 19 2007. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering

of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

4. Claim 21 is objected to because of the following informalities: Claim 21 appears to be identical to claim 8. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 8-16, 18, 19, 21, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Haar et al. In Figure 2, Haar et al show a syringe having a feed piston (18a) that is longitudinally slidable in a carpule volume and that has a pressure plate (21a) which is connected to a first hydraulic chamber (adjacent to the pressure plate) and a second hydraulic chamber (34a) which is behind and connected to the first hydraulic chamber. A slide valve (33) is capable of closing or opening an opening of a control hole between the first and second chambers. The slide valve has a pressure

Art Unit: 3767

plate which is connected to the first hydraulic chamber and a front element of the slide valve projects into the first hydraulic chamber. As to claims 9 and 10, a touch-sensitive key pad (32) causes the control hole to open at least substantially parallel to the axis of movement of the slide valve when pressed and is disposed at least partially in a front half of the syringe. The axis of movement of the slide valve is disposed perpendicular to a longitudinal axis of the syringe. The slide valve is biased with a biasing force closing the control hole where the biasing force is the force that keeps the key pad in the position shown in Figure 2. As to claims 13-16, the valve (33) is considered to be the indexer piston that is connected to the first hydraulic chamber where a foot of the indexer piston projects into the first chamber. The indexer piston is slidably mounted and has a limit stop (the portion of the syringe where the key pad abuts the syringe in Figure 2). The indexer piston is considered to be mounted such that it is biased against an exit direction. As to claim 18, the feed piston completely lies within a feed cylinder (23). As to claim 22, the position of the indexer piston within the syringe (i.e. as positioned in Figure 2 and as positioned in Figure 3) would make the pressure in the hydraulic chamber optically recognizable.

7. Claims 1-4, 8-12, and 18-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Neracher (U.S. Patent Application Publication No. 2002/0055712). In Figure 51, Neracher shows a syringe having a feed piston (113) that is longitudinally slidable in a carpule volume and that has a feed piston pressure plate which is connected to a first hydraulic chamber and a second hydraulic chamber (115) which is behind and connected to the first hydraulic chamber. The first hydraulic chamber

Art Unit: 3767

includes the portion shown at 116 and the portion in which a slide valve (118) is connected. The slide valve (118) is capable of closing and opening an opening of a control hole between the first and second hydraulic chambers and has a slide valve pressure plate connected to a portion of the first hydraulic chamber. A separator piston (112) is disposed behind the second hydraulic chamber and is slidably mounted such that it is capable of reducing the size of the second chamber and of enlarging a pressurization space (i.e. the space within the first hydraulic chamber). The second hydraulic chamber would be caused to become smaller by the same amount as the pressurization space would be enlarged. As to claims 9 and 10, a touch-sensitive key pad (119) causes the control hole to open at least substantially parallel to the axis of movement of the slide valve when pressed and is disposed at least partially in a front half of the syringe. The axis of movement of the slide valve is disposed perpendicular to a longitudinal axis of the syringe. The spring adjacent to the slide valve as seen in Figure 51 provides a biasing force to close the control hole. As to claim 18, the feed piston completely lies within a feed cylinder (9c).

### ***Response to Arguments***

8. Applicant's arguments filed March 19 2007 have been fully considered but they are not persuasive. The slide valve of Haar et al is capable of closing or opening an opening of a control hole between the first and second hydraulic chambers as seen in Figures 2 and 3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which

applicant relies (i.e., the multiple use of the slide valve) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

9. Applicant's arguments with respect to claims 1-4, 9-12, and 18-20 and the rejection of these claims as being anticipated by Neracher (U.S. Patent Application Publication No. 2002/0055712) have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bhisma Mehta whose telephone number is 571-272-3383. The examiner can normally be reached on Monday through Friday, 7:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Sirmons can be reached on 571-272-4965. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

Art Unit: 3767

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



BM

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SUPERVISORY PATENT EXAMINER

